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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/654,939	12/22/2000	Jae Moon Jo	Q60198	7212

7590 02/27/2008
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EXAMINER

LILLIS, EILEEN DUNN

ART UNIT	PAPER NUMBER
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2624

MAIL DATE	DELIVERY MODE
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02/27/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of Abandonment

Application No.

09/654,939

Examiner

Eileen Lillis

Applicant(s)

JO ET AL.

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

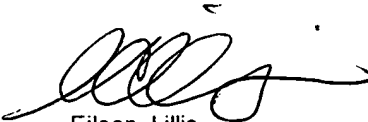
This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 21 November 2005.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☒ A proposed reply was received on 2/21/06, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.

(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.

The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

see attached for a some of the errors found in the reissue application.



Eileen Lillis
SPE
Art Unit: 2624

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

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Below is a list of problems in the current reissue application:

All of the children of the current application need to be identified in first line of specification.


It is not clear what the status of the claims is. The first page of the transmittal document filed 8/31/00 canceled claims 1-11. Only claims 1-7 were in the patent and claims 8-17 were added in the amendment of 8/31/00. An amendment to claims filed on 1/11/02 indicated to cancel claims 4-7 and 12-17. This is contrary to the previous amendment. However, prosecution followed from the later filed amendment.

The amendment that was filed 2/21/06 is improper under 37 CFR 1.173. All non patented allowed claims (claims 9-11, 20-22) must be presented by underlining in their entirety. There should be no striking or bracketing of deleted language from the claims. This language needs to be kept out of the current claim for consideration.

Applicants establishment of ownership under 37 CFR 3.73(b) must include a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or is being submitted for recordation pursuant to 37 CFR 3.11. I did not see any statement to this extent.

The consent of assignee filed 12/22/2000 is a copy of the consent used in the original reissue application. According to MPEP 1410.01 this is improper. A new consent of assignee is needed for each reissue application that is filed.

Any inquiry concerning this communication should be directed to Eileen Lillis at telephone number 571-272-6928.



EILEEN LILLIS
SUPERVISOR, PATENT EXAMINER